

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

DAVID ALAN SMITH,

Plaintiff,

Case No. 4:13-cv-10774-MAG

v.

LEXISNEXIS SCREENING
SOLUTIONS, INC.,

Defendant.

NOTICE OF APPEAL

Notice is hereby given that Defendant LexisNexis Screening Solutions, Inc. hereby appeals to the United States Court of Appeals for the Sixth Circuit from:

- The jury's verdict, as filed on October 24, 2014 at ECF No. 35;
- The District Court's Order, as filed on December 30, 2014 at ECF No. 54, denying Defendant's motion for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(a); and

- The District Court's Order, as filed on September 30, 2015, at ECF No. 70, denying Defendant's motion for judgment as a matter of law pursuant to Fed. R. Civ. P. 50 (b); denying Defendant's motion for a new trial pursuant to Fed. R. Civ. P. 59(a)(1)(A); denying Defendant's motion for remittitur of the jury's actual damages award pursuant to Fed. R. Civ. P. 59(e); and "enter[ing] a modified judgment that will include *only* \$150,000 for punitive damages" pursuant to Fed. R. Civ. P. 59(e). *See* ECF No. 70 at p. 37 (emphasis added).

Dated: October 30, 2015

Picadio, Sneath, Miller, & Norton, P.C.

/s/ Jason A. Spak

444 Liberty Avenue, Suite 1105

Pittsburgh, PA 15222

Telephone: 412-288-4385

Email: jspak@psmn.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2015, my office uploaded a true and correct copy of the foregoing NOTICE OF APPEAL to the Electronic Case Filing system hosted by the United States District Court for the Eastern District of Michigan, which will effect service on Plaintiff through his counsel of record, namely:

James Francis, Esquire
John Soumilas, Esquire
Geoffrey Baskerville, Esquire
Francis & Mailman, P.C.
Land Title Building, 19th Floor
100 South Broad Street
Philadelphia, PA 19110
Counsel for Plaintiff

Ian Lyngklip, Esquire
Lyngklip & Associates Consumer Law
Center, PLC
24500 Northwestern Hwy., #206
Southfield, MI 48075
Counsel for Plaintiff

I further certify that on October 30, 2015, my office sent five (5) paper copies of the foregoing NOTICE OF APPEAL to the District Court Clerk via United States mail, postage prepaid, pursuant to Fed. R. App. P. 3(a)(1) (requiring me to furnish the District Court Clerk with enough copies to enable the District Court Clerk to comply with Fed. R. App. P. 3(d) (directing the District Court Clerk to mail copies of the Notice to Plaintiff's counsel of record, and to send a copy to the Clerk of Court for the Sixth Circuit Court of Appeals)).

Picadio, Sneath, Miller, & Norton, P.C.

/s/ Jason A. Spak

Jason A. Spak